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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,332	02/13/2001	Keiichi Iwamura	35.G2740	9055
5514	7590	03/11/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LE, DAVID Q	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application</b>	<b>Applicant(s)</b>
	09/781,332	IWMURA, KEIICHI
	<b>Examiner</b>	<b>Art Unit</b>
	David Q Le	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 February 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-64 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-64 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date . . . . .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: . . . . .

**DETAILED ACTION**

1. The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all passages in the cited references as potentially teaching all or part of the claimed inventions.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurita et al, US Patent Application Publication No. 2002/0054356 A1 in view of Hesse et al, US Patent No 5,950,010, and further in view of Sixtus, US Patent No. 5,903,721.

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As per claims 1, 6, 9, 14, 17-19, 26, 34, 39, 42, 47, 50, and 57:

Kurita discloses

An image processing [apparatus/system/method/program] (Abstract; Background, Summary of the Invention) comprising:

user information storing means for storing user information related to a seller or a buyer of the image processing apparatus (Par. 14, 25, 27); and

multiplexing means for multiplexing the user information to an output image (Par. 14-28).

Kurita does not specifically disclose using such apparatus/system/method/program over a network, as an electronic commerce application.

Hesse discloses an apparatus/system/method/program for installing application software over a distributed processing network, using a system of interconnected servers and client machines (Abstract; Summary of the Invention).

Sixtus discloses a method and system for secure online transaction processing, using the Internet as a communications network for electronic commerce, where cryptographic keys and their certifications will serve to identify and authorize buyers and sellers to one another (Abstract; Summary of the Invention; Fig 1; associated text).

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have combined Kurita's, Hesse's, and Sixtus' inventions to implement an online management and control system to sell and maintain image processing devices over an electronic commerce network, for the purpose of effectively preventing the illegal copying of copyrighted or restricted output images. Such a system would be desirable because of the widening acceptance of electronic commerce on the Internet, and because its deployment over such an electronic network would make the registration and installation of the system's software fast and efficient, while remaining secure.

As per claims 2, 10, 35, and 43.

Kurita does not disclose that user information is obtained when the image processing apparatus is sold through a network.

However, as analyzed in independent claims 1, 9, 34, and 42, Hesse does teach how a central server can control the download and installation of application software and data to a network of client computers. In addition Sixtus discloses that user information will be used in his electronic commerce

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system for unequivocal, trusted authentication of buyers, sellers, and financial institutions on an open communications network (above citations).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to have combined Kurita's, Hesse's and Sixtus' inventions to sell image processing systems via an electronic commerce, because this would be a cost effective and convenient mass distribution, while the system itself can easily be protected from illegal copying of protected images. This would be done by causing user information to be obtained via the network when the system is sold and registered with a central operator server, using the techniques described by Hesse and Sixtus.

As per claims 3, 11, 21, 28, 36, 44, 52, and 59.

Kurita further discloses

means for setting a predetermined information related to the seller or the buyer of the image processing apparatus; and means for multiplexing the predetermined information to an output image (see above citations).

As per claims 4, 7, 12, 15, 20, 27, 37, 40, 45, 48, 51, 58.

Neither Kurita nor Hesse discloses that the predetermined information is a public key certification.

However Sixtus clearly teaches that public keys and their certificates should be used as reliable, secure identifiers for authenticating and unequivocally identify buyers, sellers, and other electronic commerce parties on the Internet (Summary of the Invention).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to have used public key certification as one of the predetermined user information stored on image processing devices in order to securely and accurately identify who bought and/or own such devices over an electronic commerce network.

As per claims 5, 8, 13, 16, 38, 41, 46, and 49.

Kurita does not disclose the predetermined information is information to specify a objective use on a database.

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However both Hesse (Fig 1-2, associated text) and Sixtus (Fig 4B, associated text) disclose the use of databases to store information on user IDs as well as other details about transaction undertaken by those users. It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have applied these teachings to Kurita's system and specify an objective use on a database of protected images, in order to cause image processors to identify those images and prevent their illegal copying or printing.

As per claims 22, 29, 53 and 60.

Kurita does not disclose that the user information is stored as a driver of the image processing apparatus is downloaded or is installed

However Hesse teaches (Fig 2, Col 6, L35-56) that software may be caused to be downloaded to a client computer and installed from remote, thanks to drivers pre-loaded into the client computers. Therefore it would have been obvious to one ordinarily skilled in the art to use the installation of drivers downloaded to an image processor to acquire and store user information, because such a method would ensure that every single image processor activated to begin operating would be primed with the information that would then be used to prevent unlawful copying of protected materials.

As per claims 23, 30, 54, 61.

Kurita further discloses that

the multiplexing is performed by using digital watermark (Fig 5, associated text).

As per claims 24, 31, 55, 62.

Kurita further discloses that

the digital watermark is added in a spatial area of the output image (Fig 5; associated text).

As per claims 25, 32, 56, 63.

Kurita further discloses that

the digital watermark is added in a frequency area of the output image (Fig 33-39, associated text).

As per claims 33 and 64.

Kurita further discloses that

the image processing product includes a personal computer or a scanner or an image processing software. (Fig 2, 8, 15: "scanner"; associated text).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Le whose telephone number is 703-305-4567. The examiner can normally be reached on 8:30am-5:30pm Mo-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DQL

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